1:Wilson E-5 (1934-1938)1951 FN17 Ngonde FN17
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of a married man is close to those of his neighbours, his banana grove probably adjoining theirs, while the main garden-lands of the whole group are all together at a distance (*vide* Plate III). Boundaries between age-villages are thus not always apparent to a stranger. A solid hundred acres or so of houses and bananas may turn out to consist of two or three villages, each with its own organization, and each having a block of garden-lands separate from the others.

If any question arises about the village a man belongs to, the points discussed are: where he has built and where he cultivates —i.e. to what village the land he uses belongs; with whom he herds his cows; and which village headman he goes to in case of a dispute. Membership of a village is therefore defined primarily in terms of economic co-operation and political allegiance.

d. Moving

The age-system is somewhat modified by men moving from one village to another. When a man dies his heir frequently comes and lives where the dead man was living, so becoming a member of his age-village. A man's heir is his full brother next to him in age, and only when all the full brothers of a family have died does the property pass to the eldest son of the eldest brother. The difference in the ages of a man and his heir is often, therefore, only a few years; but even if the difference be great, and the heir many years younger than his new neighbours, he is now treated as their contemporary. He sits with them at ceremonies and he shares their rights at any division of meat.

Were all heirs to remove to the homesteads of those who had died, the villages of old men would, of course, continue to exist indefinitely. In fact they do not. In Mwaipopo's chiefdom there remained only one small village of old men, the grandfathers of the generation which had last 'come out'. Other villages of this grandfathers' generation were remembered by name; the heirs of former members sometimes used the old name; but they did not live together as a group; they were members of other villages of their own generation. Even the heir of the headman of each old village, who acted as a priest, lived in some other village. It was said that these grandfathers' villages would disappear even in name when Mwaipopo, the father of the young chief died. No

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villages of the great-grandfathers' generation survived, even ritually (*vide* Document, pp. 881–5).[1]

Men also move from one village to another and they do not always join a village of their exact contemporaries. A stranger may come and be granted land in a village even though he is considerably older or younger than the bulk of its members. Such movement from one village to another is now very considerable: we estimated that at least 80 per cent of the married men have at some time or other moved from the chiefdom in which they first cultivated gardens of their own. There is also movement from village to village within a chiefdom.

Everyone agreed that moving is not something new. In the past a convicted witch was expelled from his village, and sometimes from the chiefdom; thieves and adulterers were also expelled or fled to take refuge with another chief (*vide infra*, pp. 118–9). But it is probable that movement between villages has increased greatly since the imposition of European control. The main reason for moving nowadays is, as we have said, the fear of witchcraft. Subsidiary reasons are the desire to get suitable land for cultivating cash crops, the desire to be near some centre of employment (such as Tukuyu or Rungwe), and the desire to live with others of like mind, as fellow Christians or fellow pagans, fellow Moravians or fellow adherents of the 'Watch Tower' (*vide infra*, pp. 40–3).

Women move from one village to another even more often than men, for, not only do wives move with their husbands, but a girl commonly marries a man of a village other than that in which she grew up, and is later inherited by a kinsman of her dead husband who lives in yet another village. Since first wives are usually ten years younger than their husbands, and junior wives may be forty or fifty years younger, most women are inherited at least once during their lives, and some are inherited several times. The modern high divorce rate accelerates this long-established circulation of women from village to village.

[1] It is possible that the existence of villages of four generations was due to the fact that *Mwaipopo* continued to live long after the 'coming out' of his heir Mwankuga—a survival not usual in traditional practice (*vide supra*, p. 30).

1:Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17 Nyakyusa

work. The unskilled can always get a job, and frequent moves make little difference to their pay. In the sample taken 81 per cent of the Christian sons of Christians, 40 per cent of the Christian sons of pagans, and 5 per cent of the pagan sons of pagans had had skilled or semi-skilled jobs. These cases are set out in a table on p. 193. Of twenty-eight individuals who remained over a year at a stretch in employment, twenty were in skilled or semi-skilled jobs, and eighteen had had some schooling.

It was very difficult to get adequate information on the proportion of time that young men spent away, for though the periods they spent at work might be accurately remembered, the periods at home were not easily recorded. Ten young Christians (other than those cited in the sample above), whose work histories were carefully investigated, had spent, on the average, eighteen and a half months, out of the twenty-five months preceding their return home, in employment outside Rungwe district. That is, they had spent less than a quarter of their time at home. They are certainly not typical of the whole district, but they are probably not unrepresentative of the young Christians.

Certain points emerge from this study. Firstly, the time spent away from their homes at work by middle-aged and elderly pagans is negligible. Secondly, the middle-aged Christians have all worked for long periods, but during most of that time they have lived with their families in Christian villages attached to missions in the district; they are not migrants in the sense that their sons are, though they move from one mission village to another following employment. Thirdly, the great bulk of the young men work outside the district at some time, and those in skilled jobs (mostly Christians) tend to stay away for much longer periods than the unskilled. The effects of this are noticed by Nyakyusa themselves, who remarked of Kabembe Christian village that: 'There were few nice houses, for so many of the young men are away at work.' Nevertheless, even in Christian villages, the effects of men's absence is much less marked than it is in Ngonde, where the percentage of absentees is estimated at over half the able-bodied men.[1]

[1] It was estimated in 1934 that the total male labour force of the district was approximately 10,000 and that, of these, 500 men were in Southern Rhodesia and the Union, and 5,000 on the Lupa goldfields. (Figures supplied by courtesy of the District Commissioner, Karonga, from District records.)

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(*ukumega*) is not confined to the company of contemporaries of the same sex. Indeed the liveliest dancing is before members of the opposite sex, and is often the preliminary to love-making; but full opportunity for diop'sy is thought to depend upon living in a village, rather than in scattered homesteads. Some Nyakyusa are colonists, cultivating and building out in unoccupied bush country five or six miles from a settled area; but living out in the bush is disliked by most people and is done, we were told, only for gain. Cattle are said to increase very much more quickly out in bush, where grazing is plentiful, than they do on the village pastures, and the yield of virgin fields made in the bush is high. Hence the Nyakyusa dictum: 'People live in the villages for display, in the bush for gain.' And individuals commonly display themselves as members of a group—a group of contemporaries of the same sex, that is, of village-mates.

d. Decency

The basis of Nyakyusa sexual morality is the separation of the sexual activities of successive generations, more particularly the separation of the sexual activities of mothers and sons, and the complete segregation of fathers-in-law and daughters-in-law.

Nyakyusa informants hold that boys are sent out of their parents' village to build apart so that their parents may have privacy. Mwaisumo explained: 'If a boy over ten years old stays at home to sleep, he is laughed at by his friends, and his own parents send him away. They say, "If he sleeps at home he will hear what his parents talk about at night"; the night is always full of lewd talk; and he may even see them undressing. He will grow up a fool, with little wisdom! You see at the boys' village', he went on to say, 'the older boys tell all sorts of stories, especially about women, they discuss love-making and women, and tell tales of their own conquests. The younger ones listen to these things and that's all right in the boys' village, that is how we learn, but we compare in our minds and think that if a boy stays at home it is as if he listened to all this from his parents, and people always do talk lewdly at night; and that is very bad, that is foolishness. But in the boys' village it is good for the young ones to listen, that is how children grow up.'

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and they are condemned for doing so. One old man argued in this way: 'Where you Europeans are wrong is in forbidding witchcraft in word only and not in spirit. It does no good to say that witchcraft does not exist; but if you had driven witchcraft out of our hearts that would have been good.' And again: ' "The defenders" still fight the witches, they make great efforts, but they may no longer speak about it. In the old days when a witch went to choke his fellow "the defenders" would see him and turn him back, and then on the morrow they would tell people that he was a witch, and he would have to go to the chief and take the ordeal which would convict him. But now "the defenders" have to be silent because of you Europeans who say there is no witchcraft, so that though the witch is perhaps turned back the first night, the next night he goes again and throttles his fellow.' Many Nyakyusa think that Europeans are hypocrites when they deny belief in witchcraft. One friend, the Christian wife of a chief, said to us: 'You are dissembling like all Europeans, you don't want to admit the reality of witchcraft. You are just dissembling.' Nor are Europeans thought to be immune from witchcraft: the attacks of malaria from which we ourselves suffered were immediately interpreted by our servants and friends as due to witches.

Since most people are sure that evil desires manifesting themselves as witchcraft or sorcery exist, movements of witch-finders partake of the nature of religious revivals. The *Mwakapi* movement, described by Dr. Richards for the Bemba[1] appeared among the Nyakyusa in 1932, and had a brief popularity, dying out again before 1934. The professed aim of the leader was to rid the country of witchcraft and sorcery, and the attitude of most Nyakyusa was expressed in the comment of a Christian friend who said to us: 'He (the witch-finder) did very well because he brought to light all those that killed people and made them hand over the medicines which they had used.'

The sense of insecurity created by a continuing belief in witchcraft along with the prohibition of the traditional means of discovering witches, finds expression in the frequent movement of individuals from village to village. Such movement occurred in the past, and it was often linked with suspicion of witchcraft, but whereas in the old days it was always the individual convicted in

[1] A. I. Richards, 'A Modern Movement of Witch-finders', *Africa*, Vol. VIII (1935), pp. 448–61.

1:Wilson E-5 (1934-1938)1951 FN17 Ngonde FN17
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the *mwavi* ordeal who moved, now it is often the man who suppposes himself a victim of witchcraft who flies for his life (*vide infra*, pp. 153 ff.); and it is probable that circulation between villages has in this way increased very considerably.

Denying the reality of witchcraft, the British administration ignores the belief in the legitimate use of 'python power' to enforce law and morality, any disputes arising out of this being classed as 'witchcraft'. One case turning on the belief in 'the breath of men' was heard by the District Officer of Tukuyu while we were in the district. The facts, as given us by the District Officer concerned, and by Nyakyusa informants, were as follows:

Mwankuga, a chief, fell sick and one of his sons-in-law, a clerk, advised him to get treatment from the European doctor then investigating tuberculosis in the district. When Mwankuga's junior half-brother heard this he came to Mwankuga, along with others, advised him not to go to a European doctor, and offered to cure him himself. He said that *he* had made Mwankuga ill—'had closed his stomach'—because Mwankuga had refused to make the 'coming out' ceremony for his sons when pressed by his village headmen to do so. Mwankuga's half-brother said 'the country was angry' because of the delay in the 'coming out' ceremony. He insisted that Mwankuga's illness was due to 'the breath' of the whole country, not to the sorcery (*ubutegu*) of an individual. Mwankuga acknowledged that he had done wrong in refusing to hold the ceremony, and handed over two cows which his half-brother demanded, receiving in turn medicine, which he drank. Five days later Mwankuga gave his half-brother three more cows which were killed at Mwankuga's homestead and eaten by his people. Then, later on, since he did not recover, and one of his sons for whom the 'coming out' should have been held died, Mwankuga reported the matter to a senior chief, Mwakatumbula, president of the court district in which he lived. Mwakatumbula referred the case to the District Officer, and Mwankuga's half-brother was tried for 'obtaining goods by false pretences', under Section 287 of the Penal Code. The accused denied that he had ever said that he was the cause of Mwankuga's illness, and though the latter brought witnesses, the District Officer found that their testimony was 'not sufficiently reliable to substantiate the charge', and 'that there was no reason to suppose that the accused had acted in bad faith'. He referred the

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posed action of witches, exercised the right of expelling members thought to be dangerous to it. Nowadays, since a village is no longer held responsible for the torts of its members, men are not often banished for theft or adultery, but supposed witches and sorcerers are still frequently compelled to move.

There is also a great deal of voluntary movement to escape friction in the village. This is commonly expressed in terms of witchcraft—a family moves to avoid the witchcraft of its neighbours; but neighbours are not feared unless there has been a quarrel. It is when the parties to some dispute have *not* been reconciled that fear of witchcraft germinates, and illness precipitates a move.

Among ordinary commoners only their immediate neighbours are believed to be dangerous and such men therefore sometimes move only from one village to another of the same chiefdom; but very many move right outside to another chiefdom altogether, preferring to make assurance doubly sure and to put a long distance between themselves and their spiritual persecutors. And in the case of certain men of high social status, such as senior village headmen who are the advisers of the chief, and priests, for whom a wider circle is dangerous, it is held to be essential to leave the chiefdom.

We have argued (*vide supra*, p. 36) that movement from village to village has always occurred among the Nyakyusa but that it is increasing. The change is almost certainly a symptom of increasing friction within the village. One traditional mechanism of settling disputes—the ordeal—has lapsed, while fear of one's neighbours' witchcraft continues. It is possible also that the incidence of disease, and hence of suspected witchcraft and sorcery, has increased among the Nyakyusa—tuberculosis and venereal diseases are said to have spread greatly since 1914[1] and, in the opinion of the German missionaries, malaria is much more prevalent at the higher altitudes than it was before 1914; but there

[1] The incidence of tuberculosis in Rungwe district is now thought to be about sixteen per thousand (C. Wilmot, *Tuberculosis in Tanganyika Territory*, Government Printer, Dar-es-salaam, 1938). Dr. D. Kerr-Cross, in a list of diseases encountered during ten years' practice in north Nyasaland before 1897 reports that he only saw one case of 'pulmonary tubercular phthisis', but syphilis (which the natives called 'the disease of the Arabs'), was very prevalent. Dr. Kerr-Cross was a missionary doctor who travelled extensively in Nyakyusa country. (See his articles already cited and H. H. Johnston, *British Central Africa*, pp. 473–7.)

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is another reason also for increasing movement. Formerly, to move to a strange chiefdom was hazardous—a refugee might be killed, or his wife or cattle seized by the chief; nowadays it is safe. Even to-day a man's status is lower in the village in which he is a stranger than in his home village. The old families of a village, 'the owners of the soil' (*abalema*), are spoken of as *amafumu*, which, in its restricted sense, means village headmen who have 'come out' with the chief, but which is also used more widely for commoners of importance. And in the past, we were told, an individual's security of life and property depended upon the support of his neighbours, the *amafumu*, and a stranger was much less likely to receive this than an 'owner of the soil'. If a chief seized a stranger's wife no one would protest, but if he dared to touch the wife of an 'owner of the soil' the village would rise as one man. Hence the incentive to overcome friction by submission, rather than by moving, was stronger in the old society than it is to-day.[1] It may well become stronger again soon. The present circulation from village to village is possible because men are still scarcer than land in Nyakyusa country, but as the population increases, and the production of crops for sale expands, it is probable that strangers will be less welcome and movement more difficult.

To lose a member who has not been expelled is a slur on a village, for the implication is that the man who has moved has suffered from the witchcraft of his neighbours. A good neighbour should persuade a fellow contemplating a voluntary move to stay (*vide infra*, p. 243), and when someone has moved of his own accord (and sometimes even when he has been expelled) his fellows go, after the lapse of a little time, to fetch him back.

'When a man moves from his home chiefdom, his village neighbours there, in the majority of cases, follow him within two months and ceremonially invite him back with a show of force by seizing his belongings and carrying them off home to his old village. They may really like and respect him and if, as is usually the case, he has moved because of sickness, they are most anxious to prove to him that his tacit suspicions are unfounded, they wish to rid themselves of the slur of witchcraft. To invite him back is to express affection for him and so to demonstrate that he could

[1] cf. the modern tendency for Pondo homesteads to break up. Hunter, op. cit., pp. 15, 39.

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not have been bewitched, for see, everyone likes him! Such an invitation is often, but by no means always, accepted. If a man refuses the first time then the villagers may or may not go again later to ask him back; but if he was an important member of the village—the headman, a noted doctor, the son of an old family—the invitation may go on being repeated for years; and he will then almost certainly return in the end. Whether or not he accepts a particular invitation depends again largely on his own health and that of his family and upon his relations with his new neighbours at the time it is made. Sickness and suspected witchcraft, or quarrels and insults in the new village will incline him to go home (see Document, p. 267). And a man can always return, even without an invitation, unless he was originally expelled for being himself a witch."[1]

If an important or popular man is slow to return 'home' his former friends not only go to fetch him, again and again, during the course of years but, if he dies before his return, his corpse may be fetched back to be buried in his original village. He is also summoned to feasts there. The village was a fighting unit, and its strength, like that of the chiefdom, depended upon its numbers; hence the reluctance to lose a man and the readiness to welcome new-comers.

Men who have moved voluntarily usually return 'home' to their original village in the end. As a Selya man explained: "The majority do come back, only a few stay permanently away. Some move for better food, the great majority because they fall sick and wish to recollect themselves in the tranquillity of another chiefdom—this is the main reason for moving, but they come back in the end. Whenever a man is slighted in the country to which he has gone, whenever he falls sick there—back he goes home. A man does not lose his affection for home, for there is his sacred grove, his fathers' graves. But the real reason for returning is that in every other place a man is less respected than at home, he is made light of; but in his own country he is known to belong to an old family and is treated with great respect, his neighbours call to mind the days when he and they herded cows together as boys, and the fact that his father is buried among them. That is why people go home again."

[1] Godfrey Wilson, *The Land Rights of Individuals among the Nyakyusa*, pp. 32-3.

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166 783 A man who has been driven out and then fetched back provides a feast for his friends on his return. This feast is essentially the same as the 'ritual of reconciliation' that takes place when a wrong-doer begs pardon of his own village or that of his father (*vide supra*, p. 101). For a private individual only his own village is concerned, but if the exile happens to be a senior headman then all the villages of the chiefdom participate. A detailed account of such a feast, which we attended, is given on pp. 271–4.

166 785 578 In a civilized society social separation overcomes friction in two ways: first, it separates individuals who are personally incompatible, and secondly, it provides the individual who is a misfit in one group with a choice of groups whose values may be more compatible with his own than those of the group from which he came.[1] In Nyakyusa society villages were formerly all of the same type, with virtually identical group values, therefore the individual only escaped from personal incompatibilities by moving. In the modern society, however, there is a variation of type as between pagan and Christian villages and, among the Christians, as between the several denominations. The convert in a pagan village often moves to a Christian village finding that more compatible, and the son of a Christian, having abandoned Christianity and perhaps married several wives, leaves the Christian village in which he grew up and joins a pagan one with whose members he has more in common.

578 166 754 The Nyakyusa, in their rationalizations about witchcraft, recognize the fact that friction is often personal and may be overcome by moving. Constantly villages receive individuals who have been driven out of some other village for practising witchcraft, and when we inquired whether a man who had once been accused was not feared as a neighbour, the reply was always in the same tenor as that of Mwamunda: 'Perhaps he has bewitched his fellows there, we do not know, but he has not bewitched us.' There is also the implication that quarrels may be forgotten after a temporary separation, since those who have moved because they feared witchcraft, and even some who have been accused of practising witchcraft, are welcomed back.

578 166 When our informants discussed moving and returning to the home village they always emphasized friction with one's fellows (*ubwine*) as providing the chief impetus to move, and the desire

[1] cf. G. and M. Wilson, op. cit., pp. 60–1.

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to rejoin the group in which he is 'known', in which he has 578
'friends with whom he herded cattle as a boy', as that which 166
provides the chief impetus to return. Never once did an informant suggest friction with the village headman as the reason for moving[1] or loyalty to a former headman as the reason for returning. The Nyakyusa village is in no way the personal following of a headman, as the villages of some other central African peoples (such as the Bemba,[2] Yao, and Nguni[3]) appear to be. It is essentially a group of equals, established before adolescence, whose stability and continuity turn on friendship and co-operation between its members. It is already a corporate group, with very close bonds forged through years between its members, before the permanent leader is chosen, and it continues as a group though its leader dies or moves.

We do not deny that the personality of the village headman— 622
particularly his generosity and his skill in settling disputes 621
between his men—affects the stability and growth of the village; 166
some villages increase noticeably in size after the 'coming out', while others shrink, and headmen (like chiefs) use medicines to attract men to them; but the Nyakyusa themselves imply that it is the character of the villagers rather than the character of the headman which determines movement to and from the village.

The headman, like any private individual in the village, must 622
remain on good terms with the other members lest *he* be driven 626
out. A number of cases were cited in which headmen had moved because they had become unpopular with their men and feared their 'breath' or witchcraft (*vide* pp. 204–8; 268–70) but most of them had returned after the lapse of a little time.

What private individuals and headmen alike fear is not a quarrel with one individual, but the disapproval of the village or village-section as a whole; for 'the breath of men' is but the crystallization of adverse public opinion. The man who has the support of his fellows in a dispute with one neighbour is shielded in 'the war by night'.

[1] Personal friction with a chief occurs (*vide* pp. 191–2).
[2] A. I. Richards, *Land, Labour and Diet in Northern Rhodesia*, pp. 110 ff.
[3] M. Gluckman, J. C. Mitchell, and J. A. Barnes, 'The Village Headman in British Central Africa', *Africa*, Vol. XIX (1949), pp. 91, 98, 100.

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9. SUMMARY OF LABOUR HISTORIES

Information from men concerned

Company	No. of men	Married	Average length of service in years	Percentage with 5 years or more	Schooling		Method of recruitment	Place of Work		
					Illiterate	Literate in local language		In Ngondo only	In Ngondo and elsewhere	Elsewhere only
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	–	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	–	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	–	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

[illegible]

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56. MOVING

Mwanjala.

'Lukama's father had built in the country of the chief, Mwaikuju, and Lukama moved and went to the country of Mwanyika. He returned to Mwaikuju's of his own accord, and when he had been there a considerable time his wife fell ill, so he moved again to Mwanyika's. After three months his fellows came to fetch him, and they put him into his own old house. They told him to choose whether he would go to his own old homestead, or to another, and of his own accord he chose to build on another site, but he occupied his own old house temporarily. After a year and a half had passed, his wife fell very ill again, and he went to Mwanyika's. He had been there a month when his fellows—those from his other age-village (in Mwaikuju country)—came to fetch him. They put him into another man's house and he lived with him there. He ate his own food for he was the owner of the homestead—a stranger eats of the bananas of strangers. After he had been there some time, but before he had built a house, his wife fell ill again, and he went to Mwanyika's country where he is still.'

In reply to a question: 'It is customary to fetch a man who has moved because people mostly move on account of illness. Hence, the man's fellows say: "If we do not fetch him it appears as if it were we who had driven him away, as if we had done that which caused him to move."'

Kimbukila.

'Mwapefya moved and went to Mwankonja's country. He moved on account of his own illness. Before he had been away long his fellows (*i.e.* village neighbours) went to fetch him. He was only away perhaps four or five months. When they brought him back they put him into his old house, for no one had taken it. He took his food from where he had cultivated previously, for as he had not been away long there were still sweet potatoes in his field. He came the first time they went to fetch him.'

Details from various informants, in reply to a question about three new huts being built.

'Three young men have just moved from the village of Mwafula to the village of Mwamunda, because someone had accused them, saying

166 ● 631
166 684
[p. 267]

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166 684 "You're making love to my wife", and the man who made the accusation was from the family of the chief. On account of this, they said: "The chief is driving us out. Let us move." All three moved because of this case and are building here. Of the three friends who were supposed to be seducing the minor chief's wife, one had been found at night-time in the suspected woman's hut, and had been fined 12s. for "making love to the woman" though they had not been found together.'

Record of G. W., 20/4/35 (*from various informants*).

754 683 166 'The chief Mwaipopo was sick, and living "in the forest", i.e in a recently settled and cultivated area at a distance from the main population of his chiefdom. Nsusa, one of the headmen of his classificatory son and heir Mwankuga (cf. p. 183) went to see him. On his return Nsusa said to Mwankuga: "Mwaipopo told me that you, Mwankuga, were poisoning him. Mwkanyamale (a doctor) says that your doctors are in the hills, you went to fetch them there." Then Mwankuga went to his father Mwaipopo and asked him: "Is it true that you are accusing me of working sorcery against you? Do you say so yourself?"

'Mwaipopo said: "Who told you of this Mwankuga?"

'Mwankuga: "Nsusa told me."

'Mwaipopo: "It was Nsusa who told me that you were working sorcery against me! Go and ask him about it, and have it out with him."

'So Mwankuga took the case to Mwakisisya (another chief) for arbitration.

'Mwakisisya said: "Nsusa is in the wrong and must pay a cow to his chief Mwankuga."

Nsusa refused.

'So Mwakisysya said: "All right, we shall go to those who know about the case", and he came with all his men to Mwenanganga, Mwaipopo's senior village headman (i.e. the representative of Mwansambe, *vide* p. 181). There a witness gave evidence, saying: "I was with Mwankuga when Nsusa told him that Mwaipopo accused him of sorcery." Nsusa denied it.

'Mwakisisya said: "I, Mwakisisya, I have finished, Nsusa must pay a cow."

'Nsusa still refused.

'Mwankuga: "Your honour the judge, and others. I have cows, I shall not ask for his cow, but let him leave my country and build elsewhere."

'Nsusa replied that he was hoeing near Mwaipopo in the forest, and

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sleeping there, and he refused to move. Then Nsusa wrote a letter (he begged a sheet of paper from the clerk of the court and got a Christian, Mbokigwe, to write for him) and sent it to Tukuyu (i.e. to the District Officer.) All the village headmen were very angry.

'Then one of Nsusa's cows fell into a crater-lake and was drowned. An autopsy was done and "wounds" were found in the animal's stomach. It was said that it had been killed by witchcraft. Nsusa moved to Mbambo, because, he said, "They are killing my cows". Then Mwaipopo fetched him to build in the forest. Nsusa replied that he would prefer to go home, and Mwaipopo agreed, but said he must first pay two cows. "I," said Mwaipopo, "am satisfied, but your friends there are angry, you have done wrong to Mwankuga; you can go if you pay two cows." Nsusa refused and got angry and wrote to Tukuyu again, saying: "Mwaipopo never comes to Court. He spends all his time drinking in the forest, and I, Nsusa, have judged all the cases myself in Court. Now that I am away from Court the cases are not judged; all is silent."

'The clerks at Tukuyu recognized that the stamp and the handwriting were not those of the court clerk, so they wrote to Mwaipopo. He was angry and imprisoned Nsusa for three months. The District Officer advised Mwaipopo not to let Nsusa return to his country, so when he came out of prison Nsusa built in the country of Mwangomo. This was a year or so ago, and the day before yesterday the village headmen went to fetch him. He is here, sleeping in the house of Kasisi, in Igembe. Eight men went to fetch Nsusa, carrying his household stuff and driving back the cattle. (We saw them.) 'Yes, Mwaipopo must have agreed, for if a chief drives away a man no commoner can take the initiative in fetching him back.'

'Nsusa killed a bull and also provided two pots of beer, one for the men of Igembe and one for the men of Lugombo. His own village was Lugombo, together with Itiki (cf. p. 183). He killed the bull at the house of Kasisi where he is staying. He has not yet been given a homestead.'

1:Wilson E-5 (1934-1938)1951 FN17 Ngonde FN17
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37. FETCHING HOME A PRIVATE INDIVIDUAL

Ilolo village, 19/9/37.

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621 Five young men ran past our house (which was on the main village street), carrying mats and calabashes.

Angombwike: 'They have gone to fetch one of Porokoto's men who had moved elsewhere. A son of Porokoto (the chief) went with the others to fetch him back. That is as if the chief had gone himself; he loves him. It is customary for people to seize the mats of the man who has moved. If he objects they do not agree to his objections. They say: "You have spent time here. Let's be off!" They just snatch his mats. The man who has moved agrees and tells them to go, he will follow, and he comes later.

'When he comes they put him in a house where he stays for two or three days; then he asks: "How about a home, friends?" Then they point out a homestead to him. If he does not like it he refuses it and they agree and tell him to choose one for himself, which he does.

'But if he does not agree to come perhaps he sends a son to build here; perhaps he comes but after he has spent two or three days he says: "I am going; I want to return to where I was, so he goes."

'When they go to fetch a man they always run off with his mats.'

1: Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17
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38. BRINGING HOME A VILLAGE HEADMAN

Mwambuputa's home-coming

Mwambuputa is the senior headman of Mwankuga who had fled to the Lake-shore plain from fear of 'the breath' of his men (cf. pp. 229–30). He was brought back with ceremony. His return also brought to a head an old land dispute (cf. pp. 188–90). For the status of the personalities concerned consult the table of villages and headmen on pp. 181–5.

Record of G. W., 1/5/35.

'I visited Tandale (Mwainyobolela) the village headman of Busikali and the man chosen to bury chiefs. Katolile (the village headman by inheritance of Bujenga, and a brother of Jane, Kasitile's wife) turned up with two others to fetch him to the home-coming of Mwambuputa (Mwafungo)[1] in Igembe. We picked up Kikalango (a junior son of the chief Mwaipopo) on the way and he and Tandale told me the following story:

"Mwambuputa went to the Lake-shore plain (MuNgonde). Then Mwankuga I (the young chief), while he was still alive, found a cow and the village headmen went off with it to fetch Mwambuputa home. Mwankuga did not go himself. This cow was kept by Mwambuputa, not eaten. It was to say to him; 'Come back, my headman.' Then Mwambuputa agreed and said: 'I will return, take my son back with you now.' So they came back. Then Mwankuga I died, and Mwambuputa came up to his funeral and put up temporary huts to live in, and he has not since been back to MuNgonde. Yes, he could have built proper houses before this ceremony, had he wished, it is not forbidden."

'Those who come to this gathering are his fathers (i.e. the men of Mwaipopo) and his friends (i.e. the men of Mwankuga), all commoners—no chiefs come to this ceremony. And in fact neither Mwaipopo nor Mwankuga II was there, nor did I see any of Mwaipopo's brothers. Kikalango and Kititu (junior sons of Mwaipopo) came to accompany me. We arrived at Mwambuputa's huts with Ngulyo, about noon. About 100 men were present. I noticed Mwambuputa himself, Kakuju, Ngulyo, Tandale, Katotile, and Mwaseba (Kabolile).

[1] Some informants used the name 'Mwambuputa', others 'Mwafungo'. To avoid confusion we use only the former.

1:Wilson E-5 (1934-1938)195 FN17 Ngonde FN17
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'I was told: "The meaning of the ceremony is this: Mwambuputa says to us: 'My fathers, you sent for me, I have come'; and then they show him a place to build, saying: 'You, friend, this is your homestead here.' " At noon Kakuju explained: "Now Mwansambe the senior headman of Mwaipopo (actually he has inherited this position and lives in another chiefdom, coming here for cases and ceremonies) has gone to announce to Mwaipopo that: 'Your child has returned'. Mwaipopo will send him back saying to him: 'Thank you for telling me, my headman, do you go and perform the ceremony and ritual (*ukatendekesye*, *ukanyagule*) he is your child, you are his father.' Then he will return here and say: 'I have told Mwaipopo, let us go and show Mwambuputa his new homestead.' These huts of Mwambuputa's are on the old men's side, it is Bujege here. He will be given a homestead in Igembe. He had no place in Igembe, he was a stranger. So after the funeral of Mwankuga I, he went to the old men and was given a homestead, and bananas to eat here. A man named Mwanbenja had them before, but he moved to Mwangomo's country. Now they will go and give him a homestead in Igembe. He did build before in Igembe, but he spent a long time on the plain, and others have built there." (For another version cf. pp. 188–90.)

'Then Kakuju asked Kikalango: "Have they told Mwankuga?" Kikalango replied: "I do not know." Kakuju explained to me: "They should tell him, 'Your man has returned'." Mwansambe (Mwegama) came back and called the old village headmen together for a discussion. Then he led us off to Igembe, to the homestead of Mbuluko Mwaipopo a cross-cousin (*untani*) of the chief. Just before we got there Mwansambe turned to Tandale and the other senior men and said: "Look after Mwambuputa in the war by night, look after him in dreams."

'Kititu and Kikalango explained that "Mbuluko is Mwakalungu and Mwaipopo;[1] now they have come here he will have to move and give place to Mwambuputa. At first he refused, but they pacified him. He cannot refuse, he will move. They just considered where it would be best for the village headman to be." And, previously, on the way, they had told me that to whatever house we came, the householder would have to move and give place.

'Two bulls, one full-grown, and one a little smaller, had been promised by Mwambuputa, and were brought with us. Mwanjinga, son of Mwansambe killed them both. Mwansambe said to the village headmen: "We give Mwambuputa to you, Mwakwese, and you (here he mentioned other village headmen whose names are not in my notes). He was in exile (*ndisu*), he has returned." A woman, wife of the house-

[1] The implication is that Mbuluko inherited through his mother from his grandfather, Mwaipopo I, but we did not pursue this.

1:Wilson E-5 (1934-1938)1951 FN17 Ngonde FN17
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holder, brought out a dish of cooked beans and set them down. The two men nearest took and shared them. The division of meat was carried out by Mwansambe in collaboration with his senior colleagues. It was as follows:

1 ribs and saddle (*akakwa*) to Mwaipopo (chief)
1 ribs and saddle to Mwankuga (young chief)
1 hump to Mwaipopo
1 hump and liver to me (sent with me when I went home).

'It was explained that "If it had been an ordinary killing we would have sent both ribs and saddle to Mwaipopo, one for Kalinga, and one for Kalobo (the two chief wives), now we send one to Mwankuga because it is his ceremony."

1 leg to the men of Bujege
1 leg to the men of Bujenga
1 leg to the men of Nkyemo
1 leg to the men of Ndupando
} 4 senior age-villages of Mwaipopo

1 leg to the men of Igembe
1 leg to the men of Ipoma
2 legs to the men of Njesi and their juniors the men of Mponga
} 4 senior age-villages of Mwankuga

'Mwakatika of Mponga, the headman of the village immediately junior to Njesi had not come, so Kakuju of Njesi divided two legs, one for his own village Njesi, and one for Mponga.

'I went home with Kititu and Kikalango and two children sent to carry my meat. On the way Kititu said: "The leg of Igembe will be divided up at Mwambuputa's place (i.e. where it was killed) into four parts. The four villages of Igembe will each get their share: each of these four groups will have a pot, but the meat will be no further divided.

Igembe, 1 pot
Lugombo, 1 pot
Katumba, 1 pot
Nkibonde, 1 pot ('They eat with the men of Igembe'.)"

'(This was confirmed the following day by a young man of Katumba who had eaten some of the meat.)

'Kabolile Mwaseba of Ipoma came with his younger men also. Mwalisu Mwaijonga is his assistant headman and he was there, but Kabolile cooked all the meat together, in one pot. It was explained that "While in Igembe we have many villages it is not so in Ipoma.

1:Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17
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783 There is Ndongoti, true, but they always eat with their elders. The men of Igembe are the oldest of all, they are inheriting from the men of Bujege as they die. They are senior to the men of Ipoma who are their juniors. The men of Ipoma did go through the 'coming out', but with their elders. Mwalisu has no separate village."

'About the ceremony I was told "Mwambuputa took the initiative, he sent a message to Mansambe saying: 'I have returned' and Mansambe told the others." And someone else explained that, "Before Mwambuputa killed the bulls we did not see that he had come back; now he has returned." '

2: Wilson E-5 (1934-1938)1957 FN17 Ngonde FN17
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him, but if they find he has no cows with him they are angry, they do not receive him with rejoicing. If they do not kill some cattle at the burial of a dead man without doubt illness will come to the home. I they consult an oracle then the oracle says: 'Your fathers beneath are angry because you did not kill cattle for the burial of So-and-so.' So then they go and kill a beast. When they kill cattle at a death they do not kill for the mourners to eat, no, but they say it is that the fathers may receive him well, that they may not be angry. 775

The shades manifest themselves to the living in dreams or as snakes, and they come by night to the homestead to eat food set aside for them in the sacred grove or the senior wife's hut.

Whenever food is cooked a little is left for the shades. It is said that the shades come by night to eat the food. Some people say that they have seen the shades when they come to warm themselves by the fire in the house. If the fire of the shades blazes up, and I look, it is extinguished immediately, and if someone turns round the hut is quite dark. People eat the food which they put for the shades, they do not throw it away. Sometimes, if the food rots, they say it is because the shades have eaten from it. People say that if they do not put aside food the shades will take away the fertility of the fields and we will not have much food.

The hearth is a shrine: the food and beer are left overnight beside the hearth or on the hearth-bricks. Every good housewife has a log of firewood which she keeps by her all her life: she takes it with her when she moves and it is burnt at her funeral. 'It is the shades'. The shades [of her husband] pick bits from it when they want to warm themselves at the fire.' And the wife herself must keep out of the way: 'Some men refuse to let their wives sleep near the fire at night, saying: "You will drive away the shades." ' 775 778

The association of a small grove of bananas in each homestead with the shades has already been stressed. There meat and beer offered in sacrifice are left. There is also a connection, most obvious among chiefs, but occurring among commoners also, between the shade and a chosen tree. In Ngonde Mwenefumbo said:

The fathers prayed at the grave of their father. If a man moved he took *ilindu*, a branch of the tree at the grave, and carried it to his new home and there put it in a tree he had chosen, saying: 'Now you have arrived, Father.' He poured out beer and flour there and invoked all his fathers and grandfathers and ancestors, saying: 'May I sleep! Gather and eat these things! May the children sleep.' Then he blew out water and finished. 775 778 166

4: Tew E-4 (no date) 1950 FN17 Ngonde FN17

to take up arms and lead the people to fight. The Ngoni were temporarily beaten off, but at a later attack the Ngonde, under Gwa Sapasi, submitted. By 1875 he had been succeeded by Mwafongo, who was Kyungu at the time of the first visit of the Europeans. By that time, Arab slave- and ivory-traders had established themselves in Ngonde, and for the next twenty years they disputed the territory with the Europeans. After Dr. Law's voyage to Ngonde in 1875 a Free Church of Scotland Mission station and a post of the African Lakes Corporation were set up at Karonga. The Arabs sometimes traded with the Ngonde and sometimes fought them. In one fight the Kyungu Mwafongo was killed and Mwabulambo was elected in his place. The agent of the African Lakes Corporation tried to protect the people against the Arabs, and barely succeeded in maintaining his own position, until in 1889 H. H. Johnston made treaties with the chiefs and Arabs in Ngonde, and the country came into the sphere of influence of the British South Africa Company. In 1895 Mlozi, the leading Arab, who had not accepted British rule, was caught and hanged, and Ngonde was incorporated in the British Protectorate of Central Africa.

The inter-territorial boundary between Nyasaland and German East Africa (now Tanganyika Territory) cut across the area of the Kyungu's influence, which used to extend some fifteen miles north of the Songwe river, and some of the western territories were included in Northern Rhodesia.

The new government forbade elephant hunting without licence, and so killed the ivory trade, a main source of revenue; taxes were collected, and small subsidies paid out of them to selected chiefs and nobles. Mwakabaga, who became Kyungu in 1904, was the first Kyungu to sit with his people judging their cases. After his death the nobles chose Mwangalaba to succeed him, and in his reign the custom of hoeing (*milasa*) for the Kyungu lapsed till 1927, when it was revived in a modified form by the next Kyungu, Peter. The latter was the younger brother of Mwangalaba, and acted as his assistant in 1912 and as regent in 1927, succeeding to the full position of Kyungu in 1932. He had made a private fortune in industry and used it consistently to maintain his public position. He left Mbande, the traditional capital which had been dominated by the nobles of Ngonde, and built a new one at Bwiba, half-way between Mbande and the government Boma at Karonga.[1]

Demography

Ngonde. In 1931 the Ngonde population had increased from 18,852 in 1921 to 30,731, or by 63 per cent. In 1945 it again doubled itself, reaching the figure of 62,136. The average density in the district is under fifteen per square mile.[2]

Nyakyusa country is thickly populated in the south around the lake-shore plain. Its density is about six times as great as that of Ngonde country.[3]

In recent years there has been a large movement of Nyakyusa from Rungwe district into Mbeya district, into the areas east and west of Mbeya, where the average density is over 100 persons to the square mile, with a maximum of over 400 to the square mile in one village near Mbeya.[4]

[1] Wilson, 5, 1939, pp. 67–9; Mackenzie, 1925, pp. 23–4; Maugham, 2, 1929, pp. 7 and 134–41; Livingstone, 1921, pp. 237 sq.; Laws, 1934, pp. 100 sq.; Du Plessis, 1929, pp. 296–322; Johnston, 1897 pp. 72–6; Lugard, 1893, vol. i, pp. 42 sq., and 131–2; Duff, 1903, p. 10.

[2] *1931* and *1945 Census*, p. 15.

[3] *Handbook of German East Africa*, p. 68; Wilson, 5, 1939, p. 7.

[4] Hall, 1945.

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
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far as as men compete for land that rules of tenure are developed among them. And where competition is weakest there the rules are least strict.

In Nyakyusa society every married man holds land of his own for building and agriculture, for there is still enough for all, and pastures his cattle on the grasslands of some village group. His land rights, in which, as we have seen, his wives and children participate, are conditioned at every point by his membership of a particular village, his allegiance to a particular chief and by the particular cultural idiom of his tribal group.

Before the " coming out " a boy's village, as we have seen, is built on land assigned for the purpose by the parent village. A block of land for building is set aside by the great-commoner in consultation with the other men as their sons begin to reach the age of leaving home, and there the boys are often joined later by contemporaries, sons of other villages of men. At first building sites alone are needed, but later, as the boys grow up and get married, they need gardens too and bring the adjacent ground under cultivation. In doing so they are careful not to infringe upon their fathers' land rights, they either hoe land which was previously unowned[1] or else that which has been specifically granted to them by the parent village. Into the nature of such grants of garden land before the " coming out "—whether they are block grants by the parent village as a whole to the boys' village as a whole, or separate grants by individuals to individuals—I omitted to enquire.

At the " coming out " a whole tract of land is formally allotted to each village of young men by the old chief and his great-commoners and within this tract individuals take up garden land by hoeing it. At the " coming out " it is said that " everything is made new," boundaries are redrawn and the new chiefdoms and villages of the young men are ceremonially incorporated.

The situation in which individual land rights in relation to the village group and the chief are clearest to an observer is that of the taking up of land after a move, for it is in this situation that disputes are most frequent.

Mainly owing to their religious beliefs movement from one place to another is constant among the pagan Nyakyusa. If a man or his wife or child falls sick and does not respond quickly to medical treatment the witchcraft of neighbours is at once suspected as a possible cause ; there are always other possible causes too so diviners are consulted in order to decide between them ; but if the suspicion of neighbourly witchcraft is confirmed then the cure for the sickness is held to lie in moving. In every village " some people " are vaguely believed to have the power of

[1] Vide infra. pp.41-2.

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
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166 754 witchcraft, which consists in the ability to translate evil impulses into effective though immaterial actions and thus to cause sickness and death; but it is never clearly known who all these people are. And so the coincidence of an obstinate illness with any quarrel or social tension of any kind between neighbours gives rise to a suspicion that witchcraft is at work. If the diviners support this theory then almost the only thing to be done nowadays is to move and get out of range; for witchcraft cannot act at a distance. In the old days an alternative course of action was [695] open to the sick man, he might identify the witch with the aid of the *mwafi* ordeal and get him expelled from the chiefdom. Expulsions for witchcraft still occur to-day, but only rarely, for the *mwafi* ordeal, the most certain detector of witches, is no longer legal. There is, however, nothing to prevent a man who thinks himself bewitched from moving. Now this fact of constant movement is of the utmost importance in determining the Nyakyusa system of land tenure since it tends to prevent the development of any exclusive attachment to particular pieces of ground. And the cause of this constant movement is mainly, though not entirely, the fear of witchcraft.

For ordinary commoners only their immediate neighbours are believed to be dangerous and sick men therefore sometimes move only from one village to another of the same chiefdom; but very many move right outside to another chiefdom altogether, preferring to make assurance doubly sure and to put a long distance between themselves and their spiritual persecutors. And in the case of certain men of a high social status, for whom a wider circle is dangerous, it is held to be quite essential to leave the chiefdom.

166 I have no detailed statistics on moving but I estimate that, among the pagan Nyakyusa, at least 80% of the married men have, at some time or other, moved from the chiefdoms in which they first cultivated gardens of their own. They may stay away for a few weeks only, they may stay away for thirty years or they may never return at all. If, however, the chiefdom from which they first moved is the one which they regard as home then they usually do return to it in the end. A man's home chiefdom is pre-eminently the one in which his father lives, or, if dead, spent most of his life and is now buried. And this is normally the one in which he himself also was born and brought up and in which he first took up land.

166 621 When a man moves from his home chiefdom, his village neighbours there, in the majority of cases, follow him within two months and ceremonially invite him back with a show of force by seizing his belongings and carrying them off home to his old village. They may really like and respect him and if, as is usually the case, he has moved because of sick-

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
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ness, they are most anxious to prove to him that his tacit suspicions are unfounded, they wish to rid themselves of the slur of witchcraft. To invite him back is to express affection for him and so to demonstrate that he could not have been bewitched for, see, everyone likes him ! 166 621

Such an invitation is often, but by no means always accepted. If the man refuses the first time then the villagers may or may not go again later to ask him back ; but if he was an important member of the village—the great-commoner, a noted doctor, the son of an old family—the invitations may go on being repeated for years ; and he will then almost certainly return in the end. Whether or not he accepts a particular invitation depends again largely upon his own health and that of his family and upon his relations with his new neighbours at the time it is made. Sickness and suspected witchcraft, or quarrels and insults in the new village will incline him to go home. And a man can always return, even without an invitation, unless he was originally expelled for being himself a witch.

I asked a young man of Selya whether of those who moved from their home chiefdoms the majority came back again or not. " The majority do come back, only a few stay permanently away. Some move for better food, the great majority because they fall sick and wish to recollect themselves in the tranquillity of another chiefdom—this is the main reason for moving ; but they come back in the end. Whenever a man is slighted in the country to which he has gone, whenever he falls sick there—back he goes home ! For when he is slighted he remembers that in his own country he belongs to an old family and that it is not as if he had moved under suspicion of being a witch, he only moved because he fell sick, and now he will return home. A man does not lose his affection for home, for there is his sacred grove, his fathers' graves. But the real reason for returning is that in every other place a man is less respected than at home, he is made light of ; but in his own country he is known to belong to an old family and is treated with great respect, his neighbours call to mind the days when he and they herded cows together as boys and the fact that his father is buried among them. That is why people go home again." [609]

" And what of those who move to find better food ? " I enquired. " They come back too ; if they are slighted in the place to which they have moved they come back home."

" For example there was a man who built here in the village of Igembe, he prospered greatly and his house was very long ; we young men grew up to find him here and thought he was one of our own people, we had no idea that he belonged to Masoko. And then one day he was insulted, and immediately he moved and went home. He had lived with us for many, many years."

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
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166 425 In discussing the taking up of land after a move it is therefore necessary to distinguish clearly between men who move to villages in which they are newcomers and those who return, after a period of absence, to their home villages.

166 425 622 624 621 Normally land for building and gardens is granted to a stranger by the villagers concerned acting through their great-commoner, not by the chief, who is usually informed but seldom interferes. Only if a member of the chief's own family is moving within the chiefdom from one village to another or if a very important stranger comes from outside, he may go to the chief and ask for a building plot, and the chief may then exercise his right of overlordship and grant the request. But this is a special and unusual case. Village land is primarily governed by village relationships. It is villagers who grant land to an ordinary newcomer and thereby accept him as one of themselves. His own wishes are taken into account whenever possible; if he sees a piece of ground which attracts him and no one else has a claim to it then it will be his.

An old Kukwe great-commoner thus explained the granting of land to a stranger: "First the stranger from another country comes to a friend in this village and says that he wishes to build here, then the friend brings him to me, the great-commoner,—or he may come directly to me in the first place; and I go and tell the chief. Then the chief, according [43] to the old custom, would say 'Good! Go and cut a banana bunch for him,' and I would cut a banana bunch from my own homestead, not from anyone else's, and the chief would send one of his wives to me with cooked food for our guest the stranger. This custom is now no longer followed in our country but in the more remote chiefdoms they still cut bananas and cook food in such cases; here the stranger now just comes and is not given anything. And again when he wishes to begin building we go and tell the chief, who tells us to give him a plot to build on, and then my friends and I choose a place for him." "Does not the chief have a say in choosing the plot?" I enquired. "No, not the chief; does he know the details of our land-rights? He does not. It is we who choose the place for the newcomer. But if he does not like the plot we give him and has himself seen a place which he prefers he will ask us for it and maybe we will give it him." "Do not people sometimes go directly to the chief to ask for land?" "No, they always come first to us, the commoners, not to the chief; how should a man presume to approach the chief by himself? No, a newcomer always approaches us, and it is we who inform the chief. I, the great-commoner, may go alone to tell the chief or I may take the stranger with me, as I please." And a young Kukwe chief confirmed this, with perhaps a shade more emphasis on the part played by the chief: "The stranger goes first to the great-commoner

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
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and makes his request for land, then the great-commoner goes to the chief and informs him that so and so has come with a request for land, and he asks his opinion as to which piece to give the stranger. Then the chief suggests that perhaps the great-commoner knows of a suitable plot. So the chief and the great-commoner discuss it together and decide. Then the great-commoner shows the plot to the stranger."

It is quite clear in my evidence that, though the normal custom is to consult the chief when a newcomer is given land, yet the newcomer's title is in no way invalidated if the great-commoner omits to do so at the time and simply tells the chief later after the grant has been made.

So much for the initial reception of a stranger and the grant of a building plot, the next step is the grant of garden land. But before discussing this we must emphasize the willingness with which strangers are received both by the villagers and the chief. Men are still scarcer than land in most places and the prestige and prosperity of villages and chiefdoms is increased by each addition to their membership. Strangers are always given a house to sleep in while building their own and are usually given food as well, both formally by the chief and great-commoner and informally by the neighbours. The great-commoner who told me that the formal custom of giving food had lapsed in his country belongs to the chiefdom which adjoins Rungwe mission, a small chiefdom to which very considerable immigration has taken place in the last forty years; there the relative scarcity of land is reflected in a decline of hospitality to newcomers, though none have yet been refused land. But the usual custom still is to receive them generously. "It is an ancient custom amongst us to welcome strangers, so that the chiefdom may increase and flourish."

In giving garden-land to a newcomer the procedure differs slightly according to the value of the land in question. The great-commoner takes him out and shows him, if the land is scarce and valuable, an exactly demarcated piece, if it is cheap and plentiful, a vaguely defined area within which he can hoe where he likes. In the upland chiefdoms, for example, the best maize and bean plots are scarce; men hoe the same ground year in year out, planting maize and beans alternately in it or, sometimes, maize only with an interval of a few months fallow each year; and in this case the boundaries of each man's ground are precisely marked. But for the growing of sweet-potatoes and millet there is plenty of good land available and men hoe more or less where they please. "A stranger named Tusekelege," I was told, "came to the village of Ibungila (in Kukwe country). Amongst other things he asked for a maize-garden, so they gave him the ground of a man Mwasumbi who had moved to Masoko. They told Tusekelege that he could hoe only the same extent of ground

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as Mwasumbi had, because there were some other maize-gardens adjoining it. The other land he asked for was not near anyone else's gardens, so he was told that he could hoe just where he liked."

Such is the custom of giving land to a newcomer, whether he comes from a different chiefdom altogether or from another village of the same chiefdom. He has no claim to any particular land but the villagers welcome him gladly and give some to him. If, however, a man returns after a period of absence to his home village then he has a claim, varying in strength in different circumstances, to enter again into possession of his old building site and gardens. But his claim is never an absolute one, it depends upon his relationship to the villagers and to the chief; they it is who decide it.

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Let us first consider building sites. If a man moves from his home village leaving his house standing there and another is given the site, and if he returns before the house has fallen into disrepair, before it has had to be rebuilt, then the occupier will be evicted in his favour, the villagers will always admit his claim to that site. But only, of course, if they are in general prepared to have him back in the village; if he has been expelled for witchcraft or some other serious crime he has no possible claim at all.

When men move and leave their houses behind it usually but not always implies an intention to return in a few months. If they move because of sickness and the suspicion of witchcraft men are often invited back, as we have seen, and sometimes they accept the first invitation; and then, if they and their families remain healthy, all is well. If a more protracted absence is intended from the first then the normal custom is to pull down the house and to carry the bamboos with one.

A young Kukwe great-commoner gave me from his own experience an example of the eviction of a man in occupation of another's house: "While my father was alive I fell sick and moved to Mwankenja's country leaving my house behind without taking it down. And I returned quite soon again, I was not a year away. But meanwhile, when I first moved, a stranger came and was put into my house, he was not told that I might be returning; so he went into my house—but as he was a bachelor the house was too big[1] for him. Afterwards my friends remembered me and went to bring me back, and I came with them; and I said that as another man had been put into my house and as I was myself an owner of the soil (i.e. he was the son of an old family and so had the right to choose any unoccupied plot for himself anywhere he pleased) I would build elsewhere. But they would not hear of it and said that I must go back to my own house. So they informed the newcomer that the owner had returned and gave him another place."

[1] This is a boast, irrelevant to the main argument.

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Again if the villagers expect a man to return and if they themselves wish him to do so, then his homestead is normally kept for him. If he refuses their first formal invitation to return they may give his homestead to a newcomer meanwhile, but only provisionally; and if he does return later, whether by another formal invitation or on his own initiative, then the newcomer is moved elsewhere.

The difficulty arises when a man comes back unexpectedly to find that a newcomer has been given his site unconditionally. Perhaps the villagers are indifferent to his return and so have omitted to keep his site for him; but far more frequently it is that he has been many years away and has refused several invitations to return, and so has led the villagers to think that he is never going to come back at all. But, whatever the reason, if his site has been given unconditionally to a newcomer, who has then built his own house upon it, the villagers cannot possibly evict the newcomer in his favour; his only chance of getting the old site back lies in an indirect and tactful approach to the chief. The chief, as overlord, has the power to evict the newcomer if he chooses, but he may not choose to do so. And, if he does not, then the man will have to build elsewhere.

I was discussing these points with one of our servants whose father had recently moved from Bulindanajo, his home village in Mwaipopo's chiefdom in Selya, to a village in the adjoining chiefdom. I asked him to explain to me his father's potential rights, if he were to return later to his home village, to enter again into possession of his old homestead.

"If a man, like my father for instance, has moved and his friends wish him to return they go to fetch him back, but if he then at first refuses to return they may put in a stranger on his homestead. But in doing so they inform the stranger that the owner of the homestead is away in such a country, that he, the stranger, is just eating the bananas meanwhile (i.e. is only in temporary possession) and that, when the owner returns, he will have to leave this place and build on another site which they will then give him for his own. In that case when my father returns, if he wishes for his old site, his friends will move the newcomer away, because they have told him beforehand, and my father will have his own old site.

"As it happens, however, when my father did actually move recently they did not put any newcomer on to his site, but Mwakyoma .... one of his neighbours chose to build there himself. And him they do not inform of my father's rights, for he is already aware of them. If my father returns later his friends will turn Mwakyoma out telling him to go back to his own old site. For it always happens with a good homestead on which bananas do well that people covet it, and when the owner moves,

[1] This is a boast, irrelevant to the main argument.

[This footnote refers to p. 36. – Analyst]

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someone, coveting the vacant place, goes and builds there. But if it is a neighbour he knows that it is not his own and when the owner returns he relinquishes it and goes back to where he was before.

" It may happen, however, that the owner of a homestead moves and lives many years away; his friends go to fetch him but he continually refuses to return, until they begin to think that he has moved finally and forever. And, in that case, they may, perhaps, put a man in there without informing him of the existence of any other owner. The newcomer builds a house and thrives. And if the previous owner then after all comes back they do not evict the newcomer; shame prevents them, for they never told him of any such possibility. Then the old owner, as it were my father for example, seeing that another is in occupation of his site goes to a different village in the same chiefdom and asks for a site. But the great-commoner to whom he goes asks him why he is approaching him— ' It is true,' my father then answers, ' that I have a place in Bulindanajo and the graves of my family and my trees are there, but another man has [622] built upon it.' Then the great-commoner gives him a site, but he also goes to tell the chief what has happened. Then the chief, Mwaipopo, summons the men of Bulindanajo and asks them why they have driven my father away, on his return to the country, from the site that was always his. The villagers admit their mistake but explain to the chief that, as they thought my father was never going to return at all, they put in another man. So they discuss the matter; and the chief, if he so wishes, may summon the present occupier and tell him that his friends deceived him by omitting to inform him of the probable return of the owner of that site and that now, as the owner has returned, they will have to move him and give him another site; and thus the chief evicts the present holder. But such an action must come from the chief, his neighbours cannot evict the occupier, for they gave him no initial warning. So then my father would return to his own old site. But maybe in such a case my father would himself prefer to build elsewhere, he would say to his friends that, as another had built on his site, he would be content to watch over his family graves from afar and to build in a different place."

As for his old garden-land, to that too a man has a title on returning to his home village, but it is only scarce and valuable ground that he will ever trouble to claim if others are in possession. At first, when he moves from the village, his fellows, if they intend to invite him back, keep his gardens for him just as they keep his house site; but if he refuses to return at first then maybe the ground is given to others. But he can always recover it later when he does return. It is easier to get old gardens back than it is to get a house site, for no great hardship is involved for an

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evicted man. And it is even possible sometimes to make good a claim to the old gardens of one's father, even although one has never hoed them at all oneself; this is more difficult however, the claim may be refused or alternatively a compromise may be effected by dividing the land in question between the claimant and the present possessors.

As an example of the keeping of gardens vacant for a man who is expected to return we may cite the story of Nyambo, a Kukwe, as it was told to me by a young man who lived near him. This case is of particular interest as it brings out two points to which we have not yet referred; firstly that the chief himself sometimes takes the initiative in inviting a man back, and that his doing so widens the invitation to include all the villages of the chiefdom, not only the man's old home village; and secondly that it possible to build in one village of a chiefdom and own gardens in another. This second point will be discussed again later.

" A man named Nyambo moved because eight of his cows all died in quick succession and he thought that his neighbours, maybe, had bewitched them; but he moved without telling people of this reason. After he had spent eight months away, however, the chief sent his great-commoner to enquire of him why he had moved and left his chief wondering, and Nyambo replied that he had moved because of the death of eight of his cows all within a few days of one another, a fact which had led him to suspect that his neighbours hated him; and he would never, he told the great-commoner to inform the chief, be persuaded to return. So the great-commoner reported all this to the chief. Whereupon the chief suggested that it would be a good thing to go and fetch Nyambo back forcibly. And he, the chief, went in person with a crowd of men from Nyambo's old village and they just seized upon his furniture and drove off his cows and took them all home. But even so Nyambo refused to return and spent another two days where he was. Then they sent again to urge him to come back and at last he agreed because the chief himself had begged him to do so; he said, however, that he would prefer not to build in his old place, because his cows had died there, but rather across the river in the village of a different great-commoner. And so he did. None the less he continued to hoe his old gardens, and he still does so. They had left his gardens vacant because they had always meant to fetch him back. Now that he has returned and gone to live in another village they have given his old building site to a newcomer from Masoko, but his gardens are still his own."

The story of Kalonga, another Kukwe, exemplifies a man's right to reclaim his own old gardens. It will be noticed that the ground which he reclaimed was of particular value.

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166 423 425 " Kalonga had moved from the country of Kissokola to Masoko and other people had taken his ground and hoed it. It is the kind of ground which we call *umfweje*, rich soil near water. Kalonga had moved because of illness, several of his children had fallen sick and more than one had died. After he moved his neighbours never went to invite him back.

166 423 425 622 " Now Kalonga himself did not come back to live, but he brought back his mother. She had gone with him, but then she began to complain that he had taken her to an unpleasant country and she would prefer to go home; so he came back just to build a house for her. He did not build for her in his old village but asked another great-commoner (of the same chiefdom) for a site; he did however go to the chief to reclaim his old garden (the *umfweje* to which we have already referred). Now four men had divided the ground between them; they had approached the great-commoner and asked for it and he had referred them to the chief, fearing that he might be blamed for giving the ground away if Kalonga should return subsequently. And the chief agreed that they should take it, so as not to let it lie idle.

" So when Kalonga came and reclaimed it the chief pointed out that he had moved and left the country (and so had no claim to the land). But no, Kalonga replied, he had not moved, for see he had brought back his mother and built a house for her, which was exactly equivalent to living in the chiefdom himself. And the chief admitted his argument and agreed that, so soon as the present holders had reaped their standing crops, he should re-enter into possession of his own ground. So now Kalonga comes regularly with his younger brothers and they hoe the land quickly (being many) for their mother and go home again. Kalonga is of an old family and his father is buried in that chiefdom."

166 423 425 622 624 And finally the story of Enoch the son of Mwakajileke, another Kukwe, well illustrates the more limited rights of a son to claim his father's old gardens which he himself has never hoed.

" Mwakajileke built in the village of Ibungila, and he died there in 1925. He had three sons, all of whom moved after his death; one of these sons, whose name was Enoch, went and built at Kyimbila; and meanwhile the chief gave the garden-land of Mwakajileke to other people. Part of this land was cultivated by a commoner named Gwaselya but he too, later on, moved into another chiefdom and the land was left unused. Then Enoch returned to the country to find that no one was now hoeing the ground which his father had used to hoe, so he approached Mwangokile, the great-commer, and asked for it: ' As no one is hoeing your father's land,' Mwangokile replied, ' you may go and hoe it yourself, but there are some other men who want it and they have already asked me for it, so I must divide it between you.' So he went with them and marked

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out boundaries, drawing lines on the ground; he divided the land into three portions, one for each. The others were strangers to the chiefdom but had taken a fancy to that piece of land."

The sentence in this story "The chief gave the garden land of Mwakajileke to other people" deserves remark for it in no way implies any other custom than the one we have previously described. And it illustrates the dangers of relying too much on verbal statements of custom. When a stranger is given land by a great-commoner after reference to the chief he is commonly said to have been given it by the chief. The chief, from one point of view, is the overlord and the great-commoner acts for him. But, and this is an essential qualification, the great-commoner nearly always so acts for the chief and, save exceptionally, it is wholly incorrect for the chief to grant land directly. The great-commoner acts not only for the chief but also as the representative and leader of the villagers; and in relation to them the chief cannot exercise his rights of overlordship save occasionally and in particular circumstances.

The old Kukwe great-commoner whom we have already quoted explained this to me very clearly: "Occasionally one of his own men will ask a chief to give him ground to hoe in another village, 'If indeed you say that the land is yours!' (challenging the chief to assert his right of overlordship). Then the chief agrees that all the land is most certainly his; but still, if it is possible, he tells the man to go to the commoners of that village and ask them for land. If the chief does not do this (but makes a direct grant of land) we blame him for not being a true chief: 'Who is it,' we ask him, 'that has built up this country? Did you do it all by yourself? It is we the commoners who have built it up! And how is it, then, that you give this man land without consulting us?'" Nor is the censure of his people mere idle talk for a Nyakyusa chief, he fears that they may bewitch him, that the witches among them, led by the great-commoners of the several villages, may come in dreams at night and cause him to sicken or to die.

So much for the initial grants of land to newcomers and the rights of men returning to their home chiefdoms. If a man goes back, after moving, to a chiefdom which is in no sense his home, where, that is to say, he is not a member of an old family but in which he has himself spent some years, he is treated as a newcomer. He is welcomed but he has no rights to the ground, whether building-site or gardens, which he previously occupied.

Once established in a village, however, any man can hoe any unowned ground within its borders and thereby make it his own. A newcomer for

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423 622 In his tenure of land every Nyakyusa man is related to some chief who is his overlord. But their relationship is not confined to the single element of land-tenure, it is just as many-sided and complex as is any other human relationship; and even as we abstract from it the particular set of facts that immediately concerns us here we must at once refer them again to it if they are to be intelligible.

●166 423 622 When a newcomer is received into a village and given land the chief, as we have seen, is normally a party to the villagers' action, and in most cases he himself ceremonially welcomes the newcomer if he comes from outside the chiefdom by sending to him a present of cooked food. He has gained a new subject and his power and prestige are thereby increased. [427] As men are quite free to move from one tiny chiefdom to another and as land is still relatively plentiful the phenomenon of rent does not exist among the pagan Nyakyusa, there is no direct charge ever specifically made in return for the right to build and cultivate. Nevertheless a chief is a chief and his subjects' land is his as well as theirs and they are under certain obligations to him.

622 551 [585] Among these obligations that of providing cooked food for the ceremonies of the chief's own immediate family is probably the most important. When a chief's daughter, for example, is getting married women from all over the chiefdom bring food to entertain the bridegroom and his friends on the day that they bring the bulk of the cattle. The obligation to bring food, though not a legal one, is both reciprocal and conventional. The chief is expected to kill one or two of the beasts to feed his people and if he is mean about this, killing one where he should have killed two, then on the next occasion his people are more reluctant [626] to bring food. But there is also the sense of shame constraining individuals. If the majority of households in a village provide food for a chief on such an occasion, and the majority I think nearly always do so, then the shameful meanness and unconventionality of defaulters is the subject of adverse comment among them.

A chief also has the traditional right, still widely admitted to-day, to send and take food, especially milk and bananas, from his subjects if he has need of it. And we have seen already that men with more than one wife are prompted to retain *busongo* bananas for themselves in order to meet his demands without upsetting the peace of their households. This [177] traditional right however is known not to be admitted by the European Administration, on the grounds that a salary has taken its place, and is therefore beginning to fall into disuse. Chiefs, I was told, often fear to exercise it lest some man refuse obedience and take a complaint to the *Boma*, nor are they willing to confine their demands to those men of whose compliance they are certain. As the salary of an ordinary chief,

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425 622 624 him if it was his idea that the village should die out and leave him, the great-commoner, without men? As he had moved, the great-commoner would have continued, the place was presumably distasteful to him and it had now been allotted to another man. The claim would certainly have been disallowed!"

425 797 427 The examples in this paper have been taken almost entirely from pagan families. For Christians the situation is very much the same except where they live actually on mission land, there they are tenants of the Mission concerned and pay rent to it. And Christians, wherever they live, tend to be more stable in their occupation of land, since they are not forever moving in fear of witchcraft.

7. *CONCLUSION*

178 423 I have striven in this paper to make the individual land-rights possessed by Nyakyusa to-day intelligible to the European reader and to demonstrate to him their determining factors. Of these factors the following are the most important. The Nyakyusa were until recently an isolated and primitive people and so bring with them into the modern world a legal tradition based upon small social groups. This tradition is being inevitably modified both in theory and practice under modern conditions, but not out of all recognition; for they are still a relatively isolated people and the system of indirect rule secures them, in general, against arbitrary legal changes. Within their legal system individuals have, as in any system they must have, certain precisely defined and enforceable rights—among them rights in land.

Many kinds of land, however, are plentiful, though less so than of old owing to the growth of population, the opening of new markets for food and the recent introduction of ploughs. And this cheapness of land is reflected at times in a lack of rigour in the enforcement of rights in it which is unfamiliar to the European observer. Sufficient land for all is a fundamental condition of Nyakyusa society in its present form, which has no place for a landless man.

● [166 68[] And, finally, the habitual movement of men with their families from one village to another to escape the witchcraft of their neighbours leads to a constant transfer of homesteads and gardens and is the main cause of difficulty in the administration of their laws of property in land and trees. This difficulty is greatest in the case of the newly introduced coffee trees which need continuous tending.

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tive capital, Tukuyu, and it is still thus used to distinguish this group from others. This group will here be referred to as "*Nyakyusa proper.*" Those in the North of the district to the West and East of Mount Rungwe call themselves *Kukwe* and *Mwamba* respectively, and there is a group of chiefdoms to the East, under the Livingstone Mountains, called *Selya*. All these four groups share a common culture, distinguished by minor local peculiarities of dialect and custom. Immediately bordering the Nyakyusa to the South West are the *Ngonde* (Europeanized as "*Konde*") in Northern Nyasaland; they belong to the same cultural group but are distinguished by greater differences of custom and speech than the others. I have not yet visited them.

In the hills to the West of the Rift live the *Ndali*, who are included in this administrative district; and on the plateau under these hills, to the West of the Kukwe, live the *Penja*. Both these small groups have old languages of their own which, though related to that of the Nyakyusa are more or less unintelligible to them; and they have equally distinct cultures. But they are now rapidly being assimilated to the Nyakyusa both in speech and in law.

I use the name Nyakyusa, in accordance with modern usage, to include the Nyakyusa proper, the Kukwe, Mwamba, and Selya groups, but to exclude the Ndali, the Penja, and the Konde. The Nyakyusa together with the Ndali and Penja number 150,000; the Konde of Nyasaland 30,000.[3]

Members of the Berlin and Moravian Missions were the first Europeans to settle in the district, where they have lived now for forty-five years and have made numerous converts. The German Administrators followed them closely, and later came a few planters. But pronounced economic change is a matter of the past five to ten years during which time the Lupa Gold Fields of South Tanganyika have been opened up and have employed increasing numbers of Africans on the diggings. During the past few years the young men of the Nyakyusa have developed the habit of going for a few months, now and again, to the Gold Fields to earn money for tax and clothes. They seldom stay more than six months at a time, often only one or two; so that their absence does not cause the same difficulties in their own community that are found in other areas where the men spend longer periods away from home.

The Family, together with a sketch of wider Kinship Groupings

The relationships of husband and wife, parent and child, sibling and sibling are continually visible in the culture of the Nyakyusa. The

[3] Government Census figures.

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Kituli, and Kabula still remained somewhat detached. In generation IV the second heir, Mwabungulu (178), has moved out to the forest and the area occupied and ruled by Mwaijonga and Mwaipopo is still one, with a division between Lupando and Iringa. Kibonde is fully absorbed into Lupando, and Kituli and Kabula into Iringa—no descendants of Mwakipesile of Kibonde and Mwakabule of Kituli went through the 'coming out' with Mwanyilu as chiefs. Kibonde, Kituli, and Kabula are subdivided into age-villages of three generations, but these are not shown on the plan. They are spoken of by outsiders by the inclusive names.

To a European the most surprising fact about the age-organization is that a young man of the ruling generation may still choose to move into the homestead of his deceased father or elder brother. We knew one young man, who had been spoken of as a possible village headman at the coming out of Mwanyilu, but shortly before the 'coming out' he chose to move into the homestead of his deceased father in Lupondo village (where his father in turn had inherited) even though he might have inherited his father's wealth in wives and stock and returned to his own village of Masoko, after completing the ritual of death and inheritance. Our informants insisted that, though the young men might rule, the older generation were the more honoured, and in inheriting from his father this man was classified as a member of his father's generation. Nevertheless many young men do *not* choose to move into the village of the father or elder brother from whom they inherit, and the villages of old men decrease in size and finally disappear altogether.

The relation between kinship and territorial grouping cannot easily be indicated by plans and genealogies for though in theory each village consists of 'sons' of a village of the previous generation (as shown in the table facing p. 91) there is considerable movement from one village to another, and the members of any adult village usually prove to have come from a number of different villages, though a boy's village consists of sons of adjoining villages. The table of members of three of the villages of Mwaipopo's chiefdom illustrates this (*vide* pp. 224-6). An analysis of genealogies showing where different members live gives much the same picture. Though the shortage of land in the coffee-growing chiefdoms of the hills and the rice-growing chiefdoms of the plain is tending to obliterate the age-village organization, the old

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system is still the accepted form in Mwaipopo's chiefdom; the advantages of separating kinsmen in different villages are explicitly stated, and the contrast between the Nyakyusa and their neighbours in this respect emphasized. 'Certainly we do not live with kinsmen here but the Kinga do.' 'It is not good for a son to live close to his father, they will quarrel.' 'When we move to another village we consider friendship not kinship in selecting it.'

(*b*) THE BALANCE BETWEEN GENERATIONS AND SECTIONS

The ritual cycle of the 'coming out' and the sacrifices in the groves helped to maintain a balance of power between generations, as well as between chiefs and commoners. At the 'coming out' of Mwanyilu (177) in 1953 it was Mwabuputa, the senior village headman of his father, who took the leading part. He was described as 'the greatest man in the country' who 'brings out the chief' and his manner indicated that he was well aware of his power. During the reign of Mwaipopo (116) the power of his father's village headmen, Njobakosa and Ngulyo, was apparent at every ritual. Spiritual power was shared between chiefs and commoners, but exercised ideally by a virile chief of the ruling generation and the experienced headmen of the retired generation.

Those chosen as senior village headmen at the 'coming out' are commonly older than the young chief, but village headmen are thought of as surviving their chief—it is they who were responsible for smothering him, and performing the sacrifices in his grove. The headmanship is an *office* and so long as the office is necessary an incumbent is found for it, in the person of the heir of the original holder who is so closely identified with the deceased that most precise inquiry is often necessary to establish whether a given individual is the original holder, the succeeding heir, or a later heir, successor to the successor. The Ngulyo who officiated at the rituals in 1935 was the heir of the original Ngulyo (some said the *grandson*, not the son) and he was criticized by Kasitile as being 'a young man who knew nothing'. The principle, so familiar in Central Africa, of a perpetual office[1] emerges, among the

[1] I. Cunnison, *Kinship and Local Organization on the Luapula*, Communications of the Rhodes-Livingstone Institute No. 5 (1950), pp. 14-15; J. C. Mitchell, *The Yao Village*, Manchester (1956), p. 122; A. I. Richards, *Land, Labour and Diet in Northern Rhodesia*, O.U.P. (1939), p. 24; 'Some Types of Family Structure among the Central Bantu, in *African Systems of Kinship and Marriage*, p. 224; J. Roscoe, *The Baganda*, London (1911), p. 3.

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CHAPTER XIII

TWENTY YEARS' CHANGE

How does Christianity interact with other revolutionary forces in the community? It has been possible to observe the changes that have taken place among the Nyakyusa after a lapse of twenty years, and a summary of them is necessary before we proceed to a discussion of the links between religious and secular change.

The first thing that strikes a visitor returning to Nyakyusa country after many years, is that the isolation, which was so typical of the valley, has greatly diminished. Buses, filled with Nyakyusa passengers, cross twice daily the high pass that leads out of the valley, and where once travellers died of exposure and starvation there is a hard road fringed with homesteads and fields. The belt of unoccupied country that even twenty years ago separated the Nyakyusa from their neighbours has disappeared, for they themselves have spilled out of the valley to the north and west, and their Kinga neighbours have come down the Livingstone escarpment to the east and cultivate the mountain slopes, for 'they no longer fear that people (i.e. the Nyakyusa) will seize their property'. Men travel abroad to find work and they go much farther and stay away longer than before. In the remotest village there is some man who has visited Burma or Malaya as a soldier, and a dozen lads who will argue the relative merits of the Orange Free State gold mines and the Copper-belt as centres of employment. Many women now accompany their husbands to Rhodesia, or other parts of Tanganyika, and some travel to visit daughters or sisters. The older women enlarge on their journeys and joke about how fearful they used to be.

Travel implies learning another language, most often Swahili, but also Bemba and English and the pidgin of the gold and copper mines called Fanakalo. Thus intellectual isolation is disappearing along with the physical isolation. The numerous 'bush schools' which existed in the Nyakyusa valley in 1938, and at which many of those who attended never even learnt to read and write, have been largely replaced by mission primary schools, state-aided and inspected, and in these and the Native Authority primary and middle schools there are now 9,437 pupils, as against about 500

Sometimes a chief who was a powerful personality rode roughshod over his headmen and achieved a measure of autocracy; but most headmen would not allow this and in their opposition they had the full support of their villagers, as well as the moral backing of public opinion. There are remembered cases in pre-European days when a chief was deposed or reduced to a non-entity by his headmen acting together in the face of what they considered to be encroachments on the inviolability of village unity and independence. In any case, however, even the strongest chiefs were little disposed to interfere in the land matters of their villages; few wished to be bothered with the details of land rights. A chief could legitimately complain if he were not kept informed by his headmen, but his approval of their actions – and most especially in land matters – was very largely a formality.

Traditional Land Tenure

As already briefly described, a village comes into formal existence at the time of the formation of a new chiefdom. At that time its building site and arable and pastoral areas were roughly demarcated by the retiring headmen of the old chiefdom. Within the village, members were allocated their house plots and each man tended to take the strip of land stretching behind his plot and make his field there. The land was shared out on a friendly, co-operative basis; the new headman smoothed out any difficulties and settled any disputes. Thus was the pattern of land-holding established. Apart from the relative value of a plot proximate to a man's house, there was little or no cause for dispute as land needs were small and the supply plentiful. An established villager could, without notification or special permission, extend his cultivation to any land which lay vacant – i.e., which was not in use or under fallow by a fellow-villager. There was therefore no need for a man to try at first to grab more land than he immediately required, nor did he need to be jealous of his neighbours' claims.

A villager's rights to the use of his land were quite secure and he had no fear of eviction or of the seizure of part of his holding. It is said that very occasionally a chief might take a man's holding but I think, at least in the Lake Plains, that this must have been most unusual. In fact, of course, so long as a man was allowed to reap his crop there was little value attached to the plot as such when nearly similar ground stood unused. Men sought security not on their plots of land, but in their membership of the village community, which assured them of their continuing rights to adequate opportunity for cultivation over the years. However, virtually every man had an excellent security of tenure on his holding during the mature life of his age-village (i.e. until at least the next "coming-out" ceremony), and if he died his heir, should he wish, could come and live in his house and cultivate his fields without hindrance. The way in which he cultivated, though of course strongly conditioned by custom and convention, was his own affair, and he sub-divided his holding amongst his own family as he thought fit. He could not, however, allocate any of his land to a man living in another village, nor could he permit it to be cultivated by such a stranger.

Through fear of witchcraft, because of persistent illness, misfortune or unfriendliness, in order to live near a relative or friend, or to inherit elsewhere, a man might leave his village and his age-mates. Then he had to give up his land-holding. When a man moved because of witchcraft or illness (much the same thing and a chief cause of movement) his land was normally left idle pending his hoped-for return, and his former neighbours would do all they could to induce him to return to his old home and fields – even to the use of force (see Wilson, G. 1938, pp. 32-3). His departure was an accusation against them, and a disturbance of co-operative unity. If the man consistently refused to return, or if it was known that he had definitely left for good, his

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The Problem of Immigrant Land-holders

Undue importance has also been given to immigrants, but their numbers are relatively small and only significant locally. Since about 1948, or a little earlier, there has been an influx of Africans into the Lake Plains: – Nyakyusa from the Highlands (chiefly from the Central Region – Pakati), Ndali from the Ndali Highlands of Rungwe District and Kinga from the Njombe District to the east beyond the Livingstones; from northern Nyasaland have come Ndali, Lambia and Sukwa, and there are also small numbers of Bemba and others from Northern Rhodesia. They have been attracted in the modern era, when local movement is easier, by the possibility of obtaining land in the northern Lake Plains, where rainfall is so high and untouched bushland has been available.[1]

These immigrants have been and continue to be almost entirely restricted to the north in the "low-density region" (see map, facing page 15). This contained the outstandingly empty area of the country and still there remain vacant lands to be taken up. Such land is usually of relatively inferior quality, easily subject to erosion and loss of fertility on the slopes of the foothills and unsuitable for paddy cultivation except in small, isolated basins. The immigrants, that is, have settled in areas rejected by most Nyakyusa. There, locally, the newcomers outnumber the indigenous population. In the flood plains, the high-density regions, the proportions of foreigners cannot be more than one or two per cent. of the population, and in most villages there are none at all.

It is true that these newcomers do occupy land which might well be used to relieve the congestion nearer to the Lake; but in practice this would not be at all easy. To take a single example: the newly opened area in the north of the chiefdom of Mwakyusa between the Kiwira and Songwe rivers is being rapidly taken up by Ndali from the north-west, Nyasalanders and Nyakyusa from the Central Region (in that order of numerical importance). A few miles to the south, in the centre of the same chiefdom, the inhabitants of the Ikolo area consistently refuse to move although they manifestly cannot meet their land needs within their present villages. They, and others like them, say with some truth that paddy cultivation is less easy and less profitable in these newer and higher areas, and that poor communications make the disposal of produce more difficult. They also say, but more often leave to inference, that they are unwilling to leave their traditional village areas and begin in new parts, even though the move required is only one of a few miles. They have not yet become sufficiently aware of the permanent gravity of modern land shortage to overcome their parochial inertia. By the time they do become aware of it the opportunity may well be lost, for immigrants continue to arrive in twos and threes, and the last vacant land may be taken. To date, however, some vacant lands remain, albeit of poor quality, into which the densely packed Nyakyusa could move, and the immigrants cannot be blamed, at least not yet, for preventing the expansion and resettlement of the local population.

At the moment the chiefs and headmen in these northerly areas are keen to obtain as many of these immigrants as possible in order to swell the number of their commoners, the size of their villages and thus, directly, their own prestige and importance. Newcomers have every opportunity to be allocated as much land as they wish, where they wish, and many are liberally assisted with food in the traditional way until they harvest their first crop. I heard no complaints from either the local Nyakyusa or the immigrants, and relations seemed to be good. Strangers must conform to Nyakyusa ways of life and to the authority of the headman and chief, although

1. Immigrants from Nyasaland are said to have come following the introduction of new regulations there prohibiting the cultivation of easily eroded hill areas.

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CHAPTER IV

THE RESULTS OF LAND SHORTAGE

311 As indicated in the short outline of traditional land tenure in Chapter II, the system developed and worked adequately in the old situation (both before and after European conquest) when land was plentiful in relation to the people's demands. Any villager who wanted land had the right to be allocated fields: any established villager who wished to expand his cultivation could do so without difficulty. Movement between villages was easy, and especially after the establishment of European peace, for everywhere newcomers were welcomed to increase the strength and prestige of the village, and land was available for them. The young men in their age-villages were able to obtain sufficient arable land and they were able to establish their economic independence after marriage, if not earlier. Because land was plentiful there was little real concern for security of tenure and disputes over land were both uncommon and unimportant.

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By 1955 the basic fact was that there was insufficient land to meet the people's requirements in the alluvial flood plains – as also in many Highland areas – and there remained little or no unused land which could be taken into cultivation.

Inheritance of Land

428 421 In those earlier and more spacious days, inheritance was chiefly significant in moveable property – cattle pre-eminently, and goats, money and other goods – and also in the matter of widows and the custody of children. The rules of inheritance were the same in principle for all this property. Inheritance was by groups of full-brothers rather than by individuals, and therefore when a man died, his sons, his widows and his wealth were taken by the eldest surviving full-brother; failing a full-brother, a half-brother would inherit (the eldest surviving at the time). Only when all the deceased's brothers were dead, or if they had moved away and severed practical relations, were the dead man's sons able to take up the property in their own right. Then each group of full-brothers tended to inherit as separate, corporate groups. Although the separation into "houses" was not as strong and notable as amongst some African peoples,[1] yet there was a fairly strong solidarity between full-brothers such that, for instance, their cattle were regarded as a distinct and separate herd, over which the senior brother had principal control and in which half-brothers had little direct rights.

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Originally land inheritance did not follow this scheme because it was an unimportant matter, for ideally a man obtained his building plot and arable land at the time of the formal establishment of his age-village, and he preferred if possible to continue to live amongst his coevals. Consequently, when a man died, his brothers and his sons and nephews normally had land of their own and did not wish for more elsewhere, especially as the deceased's land would probably be in another age-village. Out of respect for the dead man and his contemporaries, the chief heir often made a token residence at the deceased's homestead and then, after a brief period, would obtain the approval of the villagers to return to his own village and holding again – perhaps at the cost of some beer or a goat. Sometimes the heir or another member of the lineage might take the opportunity to leave his own village

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1. See Wilson, M. 1950, pp. 117ff. Cf. also my *The Family Herds*, London, 1935, Chapters 3 and 4, for a description of a strong, corporate 'house' system.

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number of separate plots per holding was less than where land was scarcer; at the same time the average size of separate plots was smaller in those more land-hungry villages. The reader may refer to Table III (page 15) for some illustrative figures. Though differences are not yet very great, nevertheless there seems to be a fairly clear correlation between the average size of villagers' holdings on the one hand, and on the other the number and size of separate plots, and this is entirely borne out by my general information obtained in villages where actual measurements were not made. The inescapable conclusion must be that increasing scarcity of land in the Lake Plains leads to increasing fragmentation and dispersion of holdings; further, the present land situation and land tenure system can only lead to a continuation of this trend.

To emphasise the actual situation in 1955, let me reiterate the results of my own village surveys in the very high density region. In a village in Koroso's chiefdom only a quarter of the younger men had paddy land of their own, holdings averaging about three-quarters of an acre; in a village in Mwakipesile's chiefdom, only 17 per cent. of the younger men had paddy land and holdings averaged about half an acre (cf. Table VII, page 37). These two examples are taken from the areas of most severe land shortage and are not therefore altogether typical of the whole Lake Plains. Nevertheless, I do not think that they are entirely atypical; more importantly, they indicate the present trend. Within another generation this fragmentation and scatter of holdings may well be the common feature everywhere in the flood plains unless the system of tenure and inheritance is modified. If the increase in population is quickened through improved medical facilities, better diet and housing, and improved conditions generally, then the position will become more acute. Such an increase is only to be expected. The Nyakyusa have decisively entered a money economy and they have learnt to seek higher standards of living. Only from their fields, by cash-cropping, can they expect to earn their livings and the demand for better living will not be curtailed – nor, of course, is it desirable that it should be.

There is another aspect of this whole matter which must be considered. It relates to the movement of individuals between villages. Such movement was, in earlier European days, a crucial factor in the age-village structure, for it was not only exceedingly frequent, but also it tended to undermine the idealised coeval basis of village life. Movement between villages is increasingly difficult now, for a newcomer naturally cannot easily obtain land, nor as much land as he would desire even at a moderate demand. Nevertheless, the reasons for movement persist, and they will do so whilst the fear of witchcraft remains and whilst illness and misfortune are attributable to the unfavourable aura of a place. There remains also the tradition of moving so that a man may escape from bad relations with kinsfolk or neighbours, or from the obloquy resulting from his own disapproved actions. Much social and psychological tension is being created now as a result of the new difficulty of movement, and so far the Nyakyusa have not evolved alternative methods.

On the other hand, so deeply engrained is the notion of the prestige and power which accrues to a village by virtue of the number of its inhabitants, that headmen and villagers alike remain most reluctant to refuse to accept newcomers, even when it inevitably means that the present inhabitants must meet a further decrease in the average amount of land available per family, for a newcomer must be allocated a holding if he is to remain. Consequently, if a holding is for any reason left vacant, a headman tends to refuse to re-allocate some or all of it amongst his villagers and thus to augment their holdings; but instead he keeps it in reserve pending the hoped-for arrival of another newcomer. Men desiring to leave their own village try to get

Security of tenure has continued into European times, and although perhaps weakened slightly in one way through the exaggerated powers which accrue to modern Government-supported chiefs, it has been strengthened by the modern peace and rule of law and the more efficient system of justice provided by the established local courts. According to G. Wilson (Wilson, G., 1938, p. 32) the increase in the movement of individuals between villages in earlier European times (i.e., up to about 1940-45) directly caused a lack of attachment to individual plots, and thus security of tenure was not considered particularly important.

The new situation of land shortage does not affect the basic position, or rather, by producing a high scarcity value on land, it has brought about an intensification of individuals' rights over their holdings. No longer dare a chief or headman attempt to commit such illegal acts as the seizure of a villager's field, so long as that villager is not afraid to publicise the affair. A man is not, and cannot afford to be, prepared to lose his field, for he cannot replace it with any certainty, either in a convenient location or elsewhere. A headman may sometimes bring strong pressure to bear on some of the men of his village to try to persuade them to give up portions of their land to assist a newcomer or a landless neighbour, but a villager can and does refuse and there is no legal authority which can override him here. As the land shortage becomes more obvious and more acute so men become less willing to allow their holdings to be touched for any reason, by anyone. The re-allocation at a "coming-out" ceremony appears to have been dropped nowadays[1] and thus a man holds his land undisturbed until his death, when it passes by inheritance to his sons. There are cases now where grandsons of the original holder occupy land through undisturbed and undisputed inheritance. A man can, as he wishes, loan a kinsman or friend a plot in his holding, or he can make an outright gift. The principal restriction which remains is that a man must continue to live in the village in order to retain these rights; he must relinquish them if he permanently goes to live elsewhere. Nevertheless, the land of a well-established villager would be kept for him pending his hoped-for return, for if he has left in umbrage and fear because of suspected witchcraft, then he may be persuaded to come back after a time. The headman and his neighbours should in fact persist in their attempts to persuade him, even to the use of force, for this is not only a moral duty of age-mates and fellow-villagers but is also an effort to remove the implications of their alleged witchcraft and anti-social conduct.

Once, therefore, a man obtains land he has absolute rights in it during his continued residence in the village. Especially today, older men seldom shift their homes and almost all land is now held on a tenure which will be passed on by inheritance.

Boundary disputes are few. Usually, and increasingly, village boundaries are well known, and field boundaries invariably are. During my field measurements in the sample villages, I never met any difficulty with my local teams in quickly establishing the ownership and exact limits of any plot. Boundaries are usually marked by small ridges of accumulated debris or by narrow paths, and these form an intricate and irregular network throughout a village's arable area. They are so well known that there is very little scope for a greedy man to attempt to encroach on a neighbour's holding at hoeing time. If minor disagreements do arise at that season they can be immediately settled – by appeal to neighbours working nearby if necessary – and the headman or his assistant may well not be called in at all.

1. This is the case in the Lake Plains. In some of the more conservative Highland chiefdoms where the cash economy is less advanced and land scarcity is not serious, there still appears to be some re-allocation in favour of the young men in the traditional way. In general, however, it is clear that the traditional age-village system of land allocation is obsolete; see page 29ff.

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land en bloc. Young men compete with one another, with their elder brothers and with their fathers for allocations of land left vacant. We also saw, however, that often in the larger families[1] not all the sons are able to get a share of the paternal holding, or at least not a share of practicable size. Thus younger sons are forced to resort to trying to obtain vacant land elsewhere – possibly within the same village, but as often as not outside. Finally, the young man on his new holding may find his neighbours to be of any age; certainly they will not have been members of his own original coeval hamlet.

The way for this changing concept of village life and the new sort of village was prepared in the years before land shortage became important. The changed political system has been briefly noted already, but no less important was the great increase in inter-village movement in earlier European days when peace and personal security had been established. During this period Wilson (1938, page 32) reckoned that perhaps 80 per cent. of Nyakyusa shifted at least once from the place where they first obtained fields. This estimate, whilst perhaps holding good for Highland Nyakyusa amongst whom Wilson mainly worked, was too high for the people of the Lake Plains, where about 40 per cent. is more correct according to my genealogical and village surveys. That is still a relatively high degree of mobility for a mainly subsistence, peasant society such as it was in those years. It is clear that the pseudo-fraternal bond of coevality could not persist as a main element of village life and consciousness, when in fact as many as half of the members of a village were not original coeval founders but had come in from elsewhere. Before the land shortage, movement did not entail the shifting of young men to other young men's villages, or of older men to other older men's villages. It was, at least eventually, promiscuous movement, ignoring age categories. The compulsions of land shortage seem, in retrospect, only to have followed existing lines of village development and to have begun the completion of the process.

In the Lake Plains, therefore, the village persists as a close, territorial, land-owning group and as a specific cluster of homesteads and huts, usually with a village street, the whole closely hemmed in by continuous banana groves. Beyond this lie the arable lands, usually food-crop fields nearby and paddy fields farther off. In jealously protecting what it already holds, the village has gained a new exclusiveness, for the security of the individual land-holder is maintained by the corporate ownership of the village and by excluding outsiders as far as possible. On the other hand, it is no longer an age-village either in fact or intention, and it cannot be, for age-villages were consistent only with an expanding territorial system and a subsistence economy.

This brief analysis of Nyakyusa village organisation in recent times applies only to the Lake Plains. In some parts of both the Central Region and the Northern Highlands the age-basis of Nyakyusa villages had most probably already been seriously weakened in pre-European times.[2] On the other hand, elsewhere, and particularly in the more conservative parts less affected by modern trends and the cash economy, the traditional age-village still exists in something like its old form.

Land shortage has appeared in the Highlands together with a developing cash economy, but the basis of agricultural and economic change lies mainly in coffee cultivation which, of course, requires relatively smaller fields than does paddy in the Lake Plains, but it needs more care and attention from the grower for moderate success. As far as I could see in the course of

1. Polygyny is still the norm amongst the older and many middle-aged men, and therefore a father often leaves several sons to inherit.
2. According to elderly informants in Western Kukwa, Mwakaleli and some central chiefdoms, and also the evidence of old village sites.

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Thus men wishing to move could seek to obtain, that is to buy, a holding from another man living in a village to which he is willing to move; a man leaving a village could either retain his holding in cultivation or obtain some compensation for the loss of his holding there. It is not likely that this would produce a rush of land sales, for only a relatively few men would wish to relinquish their holdings. It would, however, facilitate freer movement between villages. Secondly, it would assist younger men to obtain holdings when they have earned and saved money at work.[1] Thirdly, it would assist profit-making cultivators to enlarge their holdings. Fourthly, it would help to bring to the Nyakyusa a realisation of the implications of the new money economy which they have inevitably and irrevocably entered, and it would demonstrate the value of holdings in relation to other commodities and activities. This kind of system would allow the village to retain much of its valued unity and control whilst reducing its excessive and potentially harmful exclusiveness. Such disposals of land, especially if by money sale, could be performed before the headman and other reliable village witnesses and they could be registered formally at the local court. There would need also to be some ruling limiting the maximum size of holdings (to prevent excessive buying) and preventing alienation to Africans from outside the Lake Plains. In this matter the village headman would probably be the executive authority.

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Although the suggestion could be introduced simply as a scheme enabling the buying and selling of land, I am here more concerned with the problem of freer movement and the limitation of the reversionary rights of the headman on behalf of the village, whilst retaining his useful controls. A more general recognition of the economic value of land would probably follow, and if it proved practicable and useful, an extended and refined scheme could be introduced later.

My suggestions are, then, as follows:—

1. (*a*) an immediate restriction of immigration into the Lake Plains from whatever origin, and the encouragement of the movement of people from the congested areas into the lightly populated areas, accompanied by local development programmes there;

(*b*) the consideration of the practicability of drainage and thicket clearance schemes in order to make more land available;

(*c*) the absolute abolition of land-holding by non-residents and the reallocation through the local headmen of land so held to local inhabitants;

(*d*) the sympathetic encouragement of village headmen to watch unused portions of villagers' holdings with a view to their voluntary and temporary reallocation to neighbours in need.

2. (*a*) a detailed enquiry into the operation and administration of the new inheritance law, with a view to improving its details;

(*b*) an enquiry into the possibility of imposing a minimum limit on the size of holdings and plots;

(*c*) the introduction of local, voluntary schemes for the consolidation of holdings.

3. Covering the whole field of Nyakyusa land problems must necessarily be a progressive agricultural programme aimed, firstly, at a more intensive and a more efficient use of the land by improved cultivation methods, and, secondly, the abolition of monoculture by the introduction of other cash crops. This is, of course, the policy of the Agricultural Department, but it needs more urgent application despite the obvious difficulties raised.

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Stall-feeding of cattle, especially in the wet season, would assist to improve the living conditions of the herds and to increase their domestic and economic value.

1. It would also provide an alternative cash investment to the present purchase of cattle.